

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

STEVE BAYES,

Plaintiff,

v.

Civil Action 2:12-cv-1104
Judge Edmund A. Sargus, Jr.
Magistrate Judge Elizabeth P. Deavers

SCOTT BELLINGER, *et al.*,

Defendants.

ORDER

Plaintiff, Steve Bayes, an Ohio resident proceeding without the assistance of counsel, brings this action against Scott Bellinger, his court-appointed guardian, and Regency Manor, a privately-owned healthcare center. It appears that Plaintiff is requesting the Court to reverse the state probate court's appointment of Mr. Bellinger as a guardian and enjoin Mr. Bellinger from acting as his guardian. This matter is before the Court for consideration of the December 27, 2012 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 6.) The Magistrate Judge recommended that the Court dismiss this action pursuant to 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure 12(h)(3) for failure to assert any claims with an arguable basis in law over which this Court has subject matter jurisdiction.

The Report and Recommendation specifically advises Plaintiff that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to de novo review . . . by the District Judge and waiver of the right to appeal the judgment

of the District Court.” (Report and Recommendation 6–7, ECF No. 6.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Report and Recommendation is **ADOPTED**, and this action is **DISMISSED** pursuant to § 1915(e)(2)(B) and Rule 12(h)(3) for failure to assert any claims with an arguable basis in law over which this Court has subject matter jurisdiction.

IT IS SO ORDERED.

1-24-10/3

DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE